

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of EDWARD G. KINDER and U.S. POSTAL SERVICE,
VEHICLE MAINTENANCE FACILITY, Lansing, MI

*Docket No. 01-1312; Submitted on the Record;
Issued December 11, 2001*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
PRISCILLA ANNE SCHWAB

The issue is whether appellant established that his back condition was causally related to his employment.

On December 1, 2000 appellant, then a 57-year-old mechanic, filed a claim for pain in his back and legs. He stated that moving in and out of vehicles caused pain that radiated in both legs, with tingling and cramping. Appellant indicated that, after getting up and walking, his left leg would feel as if it was starting to cramp. He would feel pain in his buttocks after standing and walking. Appellant reported that, while washing vehicles, he would have pain in the buttocks and the back of his legs while twisting his body. He stated that he first noticed the pain on October 15, 2000 and it had gradually become worse.

In a January 19, 2001 report, Dr. Reynaldo G. Castillo, a Board-certified neurosurgeon, stated that appellant had a negative straight leg raising test bilaterally, normal muscle strength and tone in the legs, and no atrophy or sensory deficit. He found mild percussion tenderness in the back. Dr. Castillo reported that a computerized tomography scan showed severe spinal stenosis at L4-5. He commented that appellant might also have stenosis above and below the L4-5 level.

In a March 22, 2001 decision, the Office of Workers' Compensation Programs denied appellant's claim for compensation on the grounds that the medical evidence of record was insufficient to establish that his condition was causally related to the factors of his employment.

The Board finds that appellant has not met his burden of proof in establishing that his back condition was causally related to his employment.

A person who claims benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his claim. Appellant has the burden of

¹ 5 U.S.C. §§ 8101-8193.

establishing by reliable, probative and substantial evidence that his medical condition was causally related to a specific employment incident or to specific conditions of employment.² As part of such burden of proof, rationalized medical opinion evidence showing causal relation must be submitted.³ The mere fact that a condition manifests itself or worsens during a period of employment does not raise an inference of causal relationship between the condition and the employment.⁴ Such a relationship must be shown by rationalized medical evidence of causal relation based upon a specific and accurate history of employment incidents or conditions which are alleged to have caused or exacerbated a disability.⁵

The only medical report of record was the January 19, 2001 report of Dr. Castillo who diagnosed spinal stenosis. Dr. Castillo, however, gave no opinion on whether appellant's condition was causally related to his employment. Appellant has not submitted any other medical evidence that shows his back condition is causally related to his employment. He therefore has not met his burden of proof.

The decision of the Office of Workers' Compensation Programs, dated March 22, 2001, is hereby affirmed.

Dated, Washington, DC
December 11, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

Priscilla Anne Schwab
Alternate Member

² *Margaret A. Donnelly*, 15 ECAB 40, 43 (1963).

³ *Daniel R. Hickman*, 34 ECAB 1220, 1223 (1983).

⁴ *Juanita C. Rogers*, 34 ECAB 544, 546 (1983).

⁵ *Edgar L. Colley*, 34 ECAB 1691, 1696 (1983).